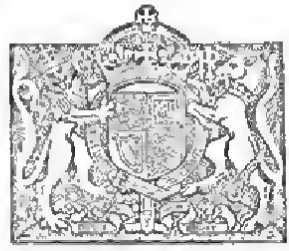
Regr. No. 1—M.



THE FORT ST. GEORGE GAZETTE

EXTRAORDINARY

Published by Authority.

No. 2] MADRAS, WEDNESDAY, JANUARY 6, 1932. [PRICE, 6 *pies*.

PUBLIC DEPARTMENT.
(General)

NOTIFICATION.

Fort St. George, January 5, 1932.
[*G.O. Ms. No. 8, Public (General).*]

No. 11.—Whereas the body known as the Kerala Provincial Congress Committee has appointed a "dictator" to direct and manage activities in furtherance of the civil disobedience movement and whereas in the opinion of the Local Government the said body and the said "dictator" together with the persons commonly known as "satyagrahs" or "volunteers" operating in the district of Malabar in furtherance of the civil disobedience movement under the general direction and management of the said body or of the said "dictator" constitute together an association which is interfering and has for its object interference with the administration of the law and with the maintenance of law and order and constitutes a danger to the public peace, the Local Government hereby declare under section 16 of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), as amended by the Devolution Act, 1920 (XXXVIII of 1920), the said Kerala Provincial Congress Committee, the said "dictator" and the said persons to be an unlawful association within the meaning of Part II of the said Indian Criminal Law Amendment Act.

(By order of the Governor in Council)

G. T. H. BRACKEN,
Chief Secretary.

MADRAS: PRINTED AND PUBLISHED BY THE SUPERINTENDENT, GOVERNMENT PRESS.

Reg. No. 1—M.

THE FORT ST. GEORGE GAZETTE

EXTRAORDINARY

Published by Authority.

No. 3] MADRAS, WEDNESDAY, JANUARY 6, 1932. [Price, 3 pies.

PUBLIC DEPARTMENT.
(General.)

NOTIFICATIONS

FORT ST. GEORGE, JANUARY 6, 1932.

No. 12.—The following notification of the Government of India is republished :—

LEGISLATIVE DEPARTMENT.

New Delhi, the 4th January 1932

ORDINANCE No. IV OF 1932

An Ordinance to make further provision against associations dangerous to the public peace.

WHEREAS an emergency has arisen which makes it expedient to make further provision against associations dangerous to the public peace ;

NOW THEREFORE, in exercise of the power conferred by section 72 of the Government of India Act, the Governor General is pleased to make and promulgate the following Ordinance :—

1. (*1*) This Ordinance may be called the Unlawful Association Ordinance, 1932.

Short title, extent and commencement

(*2*) This section, section 8 and section 10 extend to the whole of British India, including British Baluchistan and the Sonthal Parganas, and the remaining provisions of this Ordinance shall extend only to such provinces or parts of provinces as the Governor General in Council may, by notification in the *Gazette of India*, specify.

(*3*) This section, section 8 and section 10 shall come into force at once, and the Local Government may, by notification in the local official Gazette, direct that any or all of the remaining provisions shall come into force in any area to which they have been extended on such date as may be appointed in the notification.

2. In this Ordinance, unless there is anything repugnant in the subject or context,—

Definitions.

(*a*) "Magistrate" means, in a Presidency-town, the Chief Presidency Magistrate, and elsewhere the District Magistrate ;

(*b*) "notified place" means a place notified under sub section (*1*) of section 3 ;

(*c*) "place" includes also a house, building, tent and vessel ; and

(*d*) "unlawful association" means an unlawful association within the meaning of section 15 of the Indian Criminal Law Amendment Act, 1908, and includes an association which has been declared to be unlawful by the Governor General in Council under the powers conferred by section 8 of this Ordinance. XIV of 1908

Power to notify and take possession of places used for the purposes of an unlawful association.

3. (*1*) The Local Government may, by notification in the local official Gazette, notify any place which in its opinion is used for the purposes of an unlawful association.

(*2*) The Magistrate, or any officer authorised in this behalf in writing by the Magistrate, may thereupon take possession of the notified place and evict therefrom any person found therein, and shall forthwith make a report of the taking of possession to the Local Government.

(*3*) A notified place whereof possession is taken under sub-section (*2*) shall be deemed to remain in the possession of Government so long as the notification under sub-section (*1*) in respect thereof remains in force.

Moveable property found in a notified place.

4. (*1*) The Magistrate or officer taking possession of a notified place shall also take possession of all moveable property found therein, and shall make a list thereof and submit it, with a report of the taking of possession of such moveable property, to the Local Government.

(*2*) If, in the opinion of the Local Government, any articles specified in the list are or may be used for the purposes of the unlawful association, the Local Government may, by order in writing, declare such articles to be forfeited to His Majesty, and may give such directions for the disposal thereof as it may think fit.

(*3*) All articles specified in the list which are not so forfeited shall be deemed to remain in the possession of Government so long as the notified place in which they were found remains in the possession of Government, and such articles may be used in such manner as the Magistrate may direct.

Trespass upon notified places.

5. Any person who enters or remains upon a notified place without the permission of the Magistrate, or of an officer authorized by him in this behalf, shall be deemed to commit criminal trespass, and, notwithstanding anything contained in the Code of Criminal Procedure, 1898, any such offence of criminal trespass shall be cognizable and non-bailable.

V of 1898.

The relinquishment of property.

6. Before this Ordinance ceases to have effect, or before a notification under sub-section (*1*) of section 3 is cancelled, the Local Government shall give such general or special directions as it may deem requisite regulating the relinquishment by Government of possession of notified places and of moveable property found thereon which has not been forfeited to His Majesty.

Power to forfeit funds of an unlawful association.

7. (*1*) Where the Local Government is satisfied, after such inquiry as it may think fit, that any monies, securities or credits are being used or are intended to be used for the purposes of an unlawful association, the Local Government may, by order in writing, declare such monies, securities or credits to be forfeited to His Majesty.

(*2*) A copy of an order under sub-section (*1*) may be served on the person having custody of the monies, securities or credits, and on the service of such copy such person shall pay or deliver the monies, securities or credits to the order of the Local Government :

Provided that, in the case of monies or securities, a copy of the order may be endorsed for execution to such officer as the Local Government may select, and such officer shall have power to enter upon and search for such monies and securities in any premises where they may reasonably be suspected to be, and to seize the same.

(*3*) Where the Local Government has reason to believe that any person has custody of any monies, securities or credits which are being used or are intended to be used for the purposes of an unlawful association, the Local Government may, by order in writing, prohibit such person from paying, delivering, transferring or otherwise dealing in any manner whatsoever with the same, save in accordance with the written orders of the Local Government. A copy of such order shall be served upon the person to whom it is directed.

(*4*) The Local Government may endorse a copy of an order under sub-section (*3*) for investigation to any officer it may select, and such copy shall be warrant whereunder such officer may enter upon any premises of the person to whom the order is directed, examine the books of such person, search for monies and securities, and make inquiries from such person, or any officer, agent or servant of such person, touching the origin of and dealings in any monies, securities or credits which the investigating officer may suspect are being used or are intended to be used for the purposes of an unlawful association.

(5) A copy of an order under this section may be served in the manner provided in the Code of Criminal Procedure, 1898, for the service of a summons, or, where the person to be served is a corporation, company, bank or association of persons, it may be served on any secretary, director or other officer or person concerned with the management thereof, or by leaving it or sending it by post addressed to the corporation, company, bank or association at its registered office, or, where there is no registered office, at the place where it carries on business. V of 1898.

(6) Where an order of forfeiture is made under sub-section (1) in respect of any monies, securities or credits in respect of which a prohibitory order has been made under sub-section (3), such order of forfeiture shall have effect from the date of the prohibitory order, and the person to whom the prohibitory order was directed shall pay or deliver the whole of the monies, securities or credits forfeited, to the order of the Local Government.

(7) Where any person liable under this section to pay or deliver any monies, securities or credits to the order of the Local Government refuses or fails to comply with any direction of the Local Government in this behalf, the Local Government may recover from such person, as arrears of land revenue or as a fine, the amount of such monies or credits or the market value of such securities.

(8) In this section, "security" means a document whereby any person acknowledges that he is under a legal liability to pay money, or whereunder any person obtains a legal right to the payment of money; and the market value of any security means the value as fixed by any officer or person deputed by the Local Government in this behalf.

Power of Governor General in Council to declare associations to be unlawful.

8. (1) If the Governor General in Council is of opinion that any association interferes with the administration of law and order, or that it constitutes a danger to the public peace, he may, by notification in the *Gazette of India*, declare such association to be unlawful.

(2) An association in respect of which such declaration has been made shall be an unlawful association for the purposes of the Indian Criminal Law Amendment Act, 1908, throughout the whole of British India. XIV of 1908.

Jurisdiction barred.

9. Every report of the taking of possession of property and every declaration of forfeiture, made or purporting to be made under this Ordinance, shall, as against all persons, be conclusive proof that the property specified therein has been taken possession of by Government or has been forfeited, as the case may be, and no proceeding purporting to be taken under this Ordinance shall be called in question by any Court, and no civil or criminal proceeding shall be instituted against any person for anything done or in good faith intended to be done under this Ordinance, or against Government or any person acting on behalf of or by authority of Government for any loss or damage caused to or in respect of any property whereof possession has been taken by Government under this Ordinance.

All offences under Act XIV of 1908 to be cognizable and non-bailable

10. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, all offences punishable under sub-section (1) of section 17 of the Indian Criminal Law Amendment Act, 1908, shall be cognizable and non-bailable. V of 1898. XIV of 1908.

WILLINGDON,
Viceroy and Governor General.

NEW DELHI,
The 4th January 1932.

No. 13.—Whereas the Governor General in Council by notification in the *Gazette of India* has extended the provisions of the Unlawful Association Ordinance, 1932 (No. IV of 1932), to the Presidency of Madras, now therefore in exercise of the power conferred by sub-section (3) of section 1 of the said Ordinance the Local Government is hereby pleased to direct that sections 2, 3, 4, 5, 6, 7 and 9 shall come into force throughout the Presidency of Madras on the 6th January 1932.

ERRATUM.

The following erratum is issued to Public (General) Department Notification No. 1, dated the 5th January 1932, published in the Extraordinary issue of the *Fort St. George Gazette*, No. 1, dated the 5th January 1932.

For sub-sections (2) and (3) of section 1 of the Prevention of Molestation and Boycotting Ordinance, 1932, *substitute* the following —

"(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) This section, section 2 and Chapter IV shall come into force at once, and the Local Government of any province may, by notification in the local official Gazette, direct that any or all of the remaining provisions shall come into force in any area in such province on such date as may be appointed in the notification."

(By order of the Governor in Council)

G. T. H. BRACKEN,
Chief Secretary.

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